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CAMBRIDGE MA.

348 Franklin Street
Cambridge, MA 02139-3731
June 23, 1990

City Clerk
City of Cambridge

Please transmit the enclosed to the City Council either at the June 25, 1990 meeting or at the next meeting.

Sincerely,

A handwritten signature in cursive script, reading "Robert J. La Tremouille". The signature is written in dark ink and is positioned above the printed name.

Robert J. La Tremouille

348 Franklin Street
Cambridge, MA 02139-3731
June 23, 1990

TO THE HONORABLE, THE CAMBRIDGE CITY COUNCIL:

Section 6 of Chapter 40A . . . is . . . amended by . . . inserting in place thereof the following:

. . . a zoning ordinance . . . shall not interfere with . . . an application for a building or special permit made before the first publication of notice of the public hearing on such a zoning ordinance . . .

These are the key words from Senate Bill 909 submitted by Senator Barrett on behalf of himself and others.

The present language of this section under the present law reads:

. . . a zoning ordinance . . . shall not apply to . . . a building or special permit issued before the first publication of notice of the public hearing on such ordinance . . .

The difference is that NOW a filing of a zoning change bars issuance of any pending building permit which does not satisfy the change. Under the change any and all pending building permits would be exempt from the zoning change proposal.

Developers keep development plans secret. The first concerned citizens know of those plans is, frequently, the filing of the building permit or application for special permit or variance.

Under present law, citizens and the city council have a very powerful tool to respond to irresponsibly large projects: change the zoning. The Barrett bill would deny you that right.

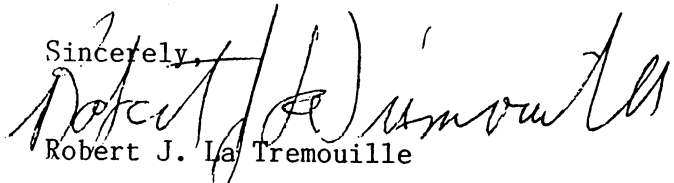
I had a detailed talk with Senator Barret's assistant last Tuesday. She states that this bill is very close to passage with a lot of support for the package which includes it. She said consideration IS BEING MADE to exempting Cambridge and other non Subdivision Control Communities from it.

Supposedly the package would provide more protection against subdivision of farms and rural areas. CLEARLY IT PROVIDES MUCH LESS PROTECTION IN AREAS ALREADY SUBDIVIDED.

It is interesting that non subdivision developers (downtown commercial and industrial) pretty much must be those with the really big bucks, whereas the residential subdividers can frequently be relative small fry.

I THINK THAT THE CITY COUNCIL VERY CLEARLY WANTS TO OPPOSE SENATE BILL 909 OR TO VERY PROMPTLY OBTAIN A PUBLIC EXPLANATION FROM ITS PRINCIPAL SPONSOR.

Sincerely,


Robert J. La Tremouille

Encl: S-909

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 909) of Michael J. Barrett, Christopher J. Hodgkins, Barbara E. Gray, Mary L. Padula and other members of the General Court for legislation relative to the application of nonconforming use in zoning laws to building permits. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT RELATIVE TO EXEMPTIONS FROM ZONING CHANGES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 6 of Chapter 40A of the General Laws,
2 as appearing in the 1986 Official Edition, is hereby further
3 amended by striking the first paragraph and inserting in place
4 thereof the following: —
5 Except as hereinafter provided, a zoning ordinance or by-law
6 shall not interfere with a structure or use lawfully in existence or
7 lawfully begun or with an application for a building or special
8 permit made before the first publication of notice of the public
9 hearing on such a zoning ordinance or by-law as required by
10 section five, but shall apply to any subsequent change or
11 substantial extension of such a use or structure and to any
12 substantial change in the application for a building permit or
13 special permit made after the first publication of notice of said
14 public hearing, except where the subsequent alteration,
15 reconstruction, extension or structural change is for a single or
16 two-family residential structure and does not increase the non-
17 conforming nature of said structure or use. Pre-existing
18 nonconforming structures or uses may be changed, extended or
19 altered, provided, that no such extension or alteration shall be
20 permitted unless there is a finding by the permit granting authority
21 or by the special permit granting authority designated by
22 ordinance or by-law that such change, extension or alteration shall

2
23 not be more detrimental than the existing nonconforming use to
24 the neighborhood. This section shall not apply to billboards, signs
25 and other advertising devices subject to the provisions of sections
26 twenty-nine through thirty-three, inclusive, of chapter ninety-
27 three, and to chapter ninety-three D.

1 SECTION 2. Section 6 of Chapter 40A of the General Laws,
2 as most recently amended by Section 54 of Chapter 557 of the
3 Acts of 1986, is hereby amended by striking out the fifth paragraph
4 and inserting in place thereof the following: —

5 If an application for approval of a definitive subdivision plan,
6 or for approval of a preliminary plan followed within three
7 months by a definitive plan, is submitted to a planning board for
8 approval under Sections 81S and 81T of Chapter 41 of the General
9 Laws, and written notice of such submission has been given to
10 the city or town clerk before the first publication of notice of the
11 public hearing required by section five for a zoning ordinance or
12 by-law change, the application shall be governed by the applicable
13 provisions of the zoning ordinance or by-law, if any, in effect at
14 the time of the application's submission and shall continue to be
15 so governed for the duration of the application process under the
16 Subdivision Control Law; and, if the definitive plan or an
17 amendment thereof is finally approved, shall continue to be so
18 governed for an additional period of four years from the date of
19 the endorsement of such final approval. The four year period shall
20 be extended by a period equal to the time during which a city or
21 town imposes or has imposed upon it by a state, a federal agency
22 or a court, a moratorium on construction, the issuance of permits
23 or utility connections.

1 SECTION 3. Section 6 of Chapter 40A of the General Laws,
2 as most recently amended by Section 54 of the Acts of 1986, is
3 hereby amended by striking out the sixth paragraph.

1
S-712
Comm. from Robert J. LaTremouille, 348
Franklin St., requesting the City Council's
opposition to Senate Bill 909.

In City Council,

July 30, 1990

Placed on file